

FILED

JUN 05 2014

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

NICOLE KITTLES, L.P.N.
License # NP 05805400

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed practical nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about September 12, 2013, the Board sent an inquiry to respondent asking about allegations of patient abandonment on one occasion during her employment at Maxim Healthcare Services, and asking about her employment history, licensing history, arrest history, and requesting certificates of completion documenting all continuing education courses completed during the June 1, 2010 - May 31, 2012 renewal period.

3. Respondent replied to the inquiry, addressing the allegations of patient abandonment, but she did not furnish information or documents in response to any of the other questions.

4. On respondent's renewal application, submitted on May 23, 2012, she indicated that she would have timely completed required continuing education for the June 1, 2010 – May 31, 2012 renewal period by May 31, 2012.

CONCLUSIONS OF LAW

1. Respondent's failure to fully respond to the Board inquiry constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2, -1.3.

2. Respondent's failure to document timely completion of the required thirty contact hours of continuing education for the June 1, 2010 - May 31, 2012 renewal period constitutes a violation of N.J.A.C. 13:37-5.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

3. Respondent's indication on her renewal application that she would have timely completed continuing education requirements for the 2010-2012 renewal period constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, and civil penalty was entered on December 10, 2013. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent responded to the Provisional Order of Discipline by providing the information that she had not originally provided in response to the Board's September 2013 letter of inquiry. Regarding continuing education, Respondent provided certificates of completion of thirty hours of continuing education completed in February 2014, but failed to provide any documentation of continuing education completed with the June 1, 2010 – May 31, 2012 biennial period.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent provided the information originally requested and cured the deficiency in her continuing education, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to fully respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply months later, warrants imposition of a five hundred dollar (\$500) civil penalty.

Regarding continuing education, Respondent failed to demonstrate that she completed any continuing education within the June 1, 2010 – May 31, 2012 biennial period. As such, the Board determined that a two hundred and fifty dollar (\$250) civil penalty is warranted for failure to timely complete continuing education. Respondent has cured that deficiency by taking thirty hours of continuing education in February 2014. Those thirty hours however, may not also be applied to satisfy the requirements of the current biennial period of June 1, 2012 – May 31, 2014. Because Respondent

was unable to demonstrate that she completed any continuing education during the June 1, 2010 – May 31, 2012 biennial period, the Board finds that she engaged in misrepresentation by certifying on her 2012 renewal application that she had timely completed the required continuing education. Board regulation at N.J.A.C. 13:37-5.3(f) requires nurses to maintain documentation of completion of continuing education for four years and to submit the documentation to the Board upon request.

ACCORDINGLY, IT IS on this 5th day of June 2014,

ORDERED that:

1. A public reprimand is hereby imposed for the violation of N.J.S.A. 45:1-21(b).

2. A five hundred dollar (\$500) civil penalty is hereby imposed for the violation of N.J.A.C. 13:45C-1.2, -1.3, as well as a civil penalty in the amount of two hundred and fifty dollars (\$250) for the failure to timely complete continuing education requirements in violation of N.J.A.C. 13:37-5.3, for a total penalty amount of seven hundred and fifty dollars (\$750). Payment shall be made by certified check or money order payable to "State of New Jersey," delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Continuing education hours completed after May 31, 2012 and applied to cure the deficiency of a previous biennial period, i.e., the thirty hours completed in

February 2014, shall not be used to satisfy the requirements of the current biennial period of June 1, 2012 – May 31, 2014. Respondent shall complete an additional thirty hours of continuing education prior to May 31, 2014 to satisfy the requirements of the current biennial period.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Ann Murphy, PhD, APN
Patricia Ann Murphy, PhD, APN
Board President